IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 17178 of 2004

Between:

P.Israel Emmanuel, S/o P.Israel,
Student of Muffakhamjah College of Engineering &

Technology, Hyderabad, r/o H.No.6-3-251/3,
Erramanzil Colony, Hyderabad-500 082.

... PETITIONER

AND

Osmania University, represented by its Registrar,
Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the respondent in not permitting the petitioner to attend the third year classes of B.E.(Industrial Production) and appearing for the B.E.(Industrial Production) third year examinations and complete the course with his Hall Ticket No.04-02-0728 as illegal, unconstitutional and violative of Article 14, 16 and 21 of the Constitution of India and consequently direct the respondent to permit the petitioner to attend the third year classes of B.E. (Industrial Production) course and appear for the B.E.(Industrial Production) third year examinations.

Counsel for the Petitioner: MR.K.RAMAKANTH REDDY

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE

The Court made the following:

ORDER:

As per the revised Rules of promotion for B.E. (Regular & PTDC/FDH), a candidate seeking promotion from B.E.II Year II Semester To B.E. III Year I Semester should necessarily put less than 50% of the backlogs to his credit from among the total number of papers prescribed for I and II semester of B.E. II year

2. The only submission made by the learned counsel for the petitioner is that since in W.A.M.P.N o.2569 of 2004 in W.A.No.1395 of 2004, this Court ordered Notice Before Admission and the petitioner therein was permitted to attend the classes, hence similar orders can be passed.

3. Learned counsel for the petitioner has not disputed that total number of papers prescribed for II Semester B.E are 16 – 8 each, and out of the 16 papers petitioner has cleared only 7 papers. There is no doubt that there are 9 backlogs of II Year I and II semester and two more backlogs of I year have to be cleared. In all there are 11 backlogs to his credit which are more than 50% of the total number of papers prescribed for I and II Semester of B.E. II year

4. *Prima facie* the Division Bench of this court ordered permitting the petitioner to attend the IV Year classes of B.E. (Civil), if he is eligible as per Rules. Once, *prima facie*, the petitioner is found not eligible as per the Rules, no direction as such can be issued in his favour. In view of the same, petitioner is not entitled to attend to third year classes of B.E. and also for the third year examinations, which is contrary to Rules.

I see no ground to entertain the writ petition and it is accordingly dismissed. No costs.

A. **GOPAL REDDY, J**

September 24, 2004

MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1. The Registrar,Osmania University, Hyderabad.
2. Two C.D. Copies.